



1 objection, and ordered plaintiff to file, no later than May 27, 2005, any reply to defendant's  
2 response.

3 On May 3, 2005, defendant filed a response to plaintiff's objection, indicating therein  
4 that the parties had settled the matter on October 13, 2004 at a settlement conference, that  
5 defendant subsequently sent plaintiff a written settlement agreement and release  
6 incorporating the terms of the agreement as understood by defendant, that plaintiff refused  
7 to sign the settlement agreement and release, and that defendant has not yet paid plaintiff  
8 the agreed-upon consideration in light of plaintiff's failure to sign the settlement agreement  
9 and release. Defendant also states it will seek to enforce the parties' settlement agreement  
10 after defendant is in receipt of a transcript of the settlement conference conducted October  
11 13, 2004.

12 On May 25, 2005, plaintiff filed a request seeking an additional 60 days to file a reply  
13 to defendant's response to plaintiff's objection. Plaintiff states that she needs additional  
14 time to obtain evidence in support of the merits of her claim against defendant. Because  
15 the merits of plaintiff's claim are not presently before the Court, there is no basis to afford  
16 plaintiff the continuance sought, and the request is hereby DENIED. Further, defendant  
17 has conceded that defendant has not delivered to plaintiff any consideration and, as a  
18 consequence, there is no longer any dispute as to that issue. Rather, the relevant inquiry  
19 at this stage of the proceedings is whether the parties, in fact, reached a settlement and, if  
20 so, the terms thereof. Resolution of those disputed issues appears dependent on the  
21 production of a transcript of the settlement conference conducted on October 13, 2004.

22 Under the circumstances, the Court hereby ORDERS defendant to file his motion to  
23 enforce the alleged settlement, such motion being supported, at a minimum, by a copy of  
24 the transcript of the settlement conference conducted October 13, 2004. In that regard, the  
25 Court sets the following briefing schedule and hearing date:

26 1. Defendant, no later than July 1, 2005, shall file and serve on plaintiff a motion to  
27 enforce the settlement.

28 2. Plaintiff, no later than July 15, 2005, shall file and serve on defendant any

1 opposition to the motion to enforce the settlement.

2 3. Defendant, no later than July 22, 2005, shall file and serve on plaintiff a reply to  
3 plaintiff's opposition.

4 4. Unless the parties are advised that the matter will be decided on the parties'  
5 respective submissions, a hearing on the motion to enforce the settlement will be  
6 conducted on August 5, 2005, at 9:00 a.m., in Courtroom 7.

7 **IT IS SO ORDERED.**

8

9 Dated: June 1, 2005

10 /s/ Maxine M. Chesney  
11 MAXINE M. CHESNEY  
12 United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28